

1 [Business and Tax Regulations Code - Central Market Street and Tenderloin Area Citizen's
2 Advisory Committee]

3 **Ordinance amending the Business and Tax Regulations Code to reduce the size of the**
4 **Central Market Street and Tenderloin Area Citizen's Advisory Committee from eleven**
5 **seats to five, set a sunset date for the Committee, prohibit the City Administrator from**
6 **executing a Community Benefit Agreement subject to the Committee's review until the**
7 **Committee has had an opportunity to review the proposed agreement and make**
8 **recommendations; and make other administrative changes.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.
12 **Board amendment additions** are in Arial font.
13 **Board amendment deletions** are in ~~Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. The Business and Tax Regulations Code is hereby amended by revising
18 Section 906.3-1, to read as follows:

19 **SEC. 906.3-1. CENTRAL MARKET STREET AND TENDERLOIN AREA CITIZEN'S**
20 **ADVISORY COMMITTEE.**

21 (a) There shall be a Central Market Street and Tenderloin Area Citizen's Advisory
22 Committee (*the "Citizen's Advisory Committee"*).

23 (b) The Citizen's Advisory Committee shall be an advisory body whose purpose is to
24 make recommendations to the Mayor, Board of Supervisors, ~~and~~ City Administrator, ~~and Office~~
25 ~~of Economic and Workforce Development~~ on policies and programs that mitigate the effects of

1 development, bolster economic development, local employment, and community
2 sustainability, and seek to stabilize and protect existing tenants, community based
3 organizations, and small businesses in and around the Central Market Street and Tenderloin
4 Area.

5 (c) Duties of the Citizen's Advisory Committee ~~may~~ shall include:

6 (1) Advise the City Administrator of community issues in order to better align
7 the Community Benefit Agreements called for under the Central Market Street and Tenderloin
8 Area Payroll Expense Tax Exclusion in Section 906.3 of this Code, with the community needs.

9 (2) Make recommendations to the City Administrator about terms and
10 conditions in the Community Benefit Agreements called for under the Central Market Street
11 and Tenderloin Area Payroll Expense Tax Exclusion.

12 (3) Provide a report ~~every six months~~ in March and October of each year to the
13 Board of Supervisors regarding the implementation and execution of the Community Benefit
14 Agreements called for under the Central Market Street and Tenderloin Area Payroll Expense
15 Tax Exclusion. The report shall include, at minimum, a summary of the Citizen's Advisory
16 Committee's recommendations and votes regarding proposed Community Benefit Agreements, a
17 summary of actions taken by the City Administrator in response to the Citizen's Advisory Committee's
18 recommendations, and a list of vacant seats on the Citizen's Advisory Committee.

19 (4) Make recommendations to the Board of Supervisors and the Office of
20 Economic and Workforce Development on policies, initiatives, and programs that bolster
21 economic development, local employment, and community sustainability and seek to stabilize
22 and protect existing tenants, community based organizations, and small businesses in and
23 around the Central Market Street and Tenderloin Area.

24 (5) Advise the Mayor, Board of Supervisors, and City Administrator on the
25 creation of a community development fund that may support workforce development,

1 community infrastructure and programs to mitigate potential displacement of small
2 businesses, community based organizations, and tenants.

3 (6) Help facilitate partnerships between persons claiming the Central Market
4 Street and Tenderloin Area Payroll Expense Tax Exclusion and community organizations,
5 local schools, and small businesses.

6 (7) Hold public hearings regarding Community Benefit Agreements *as set forth*
7 *in subsection 906.3-1(i). within four weeks from the time the parties to any such Agreements reach a*
8 *consensus on the terms to be included therein and prior to the execution of any Community Benefit*
9 *Agreement by the City Administrator. The City Administrator may, at his or her sole discretion, extend*
10 *this time in order to combine hearings and utilize staff time more efficiently.*

11 ~~————(8) The City Administrator shall convene the Citizen's Advisory Committee no less than~~
12 ~~four times per calendar year yearly.~~

13 (d) The Citizen's Advisory Committee shall be composed of ~~eleven~~ five members
14 appointed by the Board of Supervisors:

15 (1) ~~One member representing low-income families who lives with his or her family in~~
16 ~~the Central Market Street and Tenderloin Area or Adjacent Area;~~

17 ~~————(2) Two members who have Seat 1 shall be held either by a person with expertise in~~
18 ~~job creation and or workforce development or by a person who is a resident of the Central~~
19 ~~Market Street and Tenderloin Area or Adjacent Area, including one member who represents~~
20 ~~labor;~~

21 ~~(3) One member who is a senior or disabled resident of the Central Market Street and~~
22 ~~Tenderloin Area or Adjacent Area;~~

23 ~~————(4) One member who has expertise in affordable housing or tenant protection and anti-~~
24 ~~displacement policies and strategies, and has familiarity with the Central Market Street and Tenderloin~~
25 ~~Area;~~

1 (52) Seat 2 shall be held either by a person ~~One member~~ who represents a
2 community-based organization or provides direct services to the Central Market Street and
3 Tenderloin Area or Adjacent Area or by a person who is a resident of the Central Market
4 Street and Tenderloin Area or Adjacent Area.

5 ~~—— (6) One member who has small business expertise and familiarity with the Central~~
6 ~~Market Street and Tenderloin Area;~~

7 (73) Seat 3 shall be held either by a person ~~One member~~ with expertise on
8 homelessness, transitional age youth, or supportive housing, and familiarity with the Central
9 Market Street and Tenderloin Area or ~~the~~ Adjacent Area or by a person who is a resident of
10 the Central Market Street and Tenderloin Area or Adjacent Area.

11 ~~—— (8) One member with expertise in commercial real estate and leasing within the~~
12 ~~Central Market Street and Tenderloin Area; and~~

13 (94) Seats 4 and 5 shall be held by Two members who are residents of the Central
14 Market Street and Tenderloin Area or Adjacent Area with expertise or life experience involving
15 homelessness or affordable housing.

16 ~~(e) The Rules Committee of the Board of Supervisors shall nominate each Citizen's Advisory~~
17 ~~Committee member.~~

18 ~~(f) The appointment of each nominee shall be confirmed by the full Board of Supervisors.~~

19 ~~(ge)~~ For purposes of this Section 906.3-1, "Adjacent Area" shall mean the area in
20 District 6, bounded on the southern side by 13th Street and Townsend Street.

21 ~~(hf) The members of the Citizen's Advisory Committee shall be appointed for a term of four~~
22 ~~years~~ The terms of members of the Citizen's Advisory Committee in office on the effective date of the
23 ordinance in Board of Supervisors File No. 170741 and whose seats were not eliminated by that
24 ordinance shall continue; provided that the terms then in effect for members in renumbered Seats 1 and
25 3 shall end at noon on August-~~November~~ 2, 2017; and the terms then in effect for members in

1 renumbered Seats 2, 4, and 5 shall end at noon on August ~~November~~ 2, 2019. The Board of
2 Supervisors shall appoint members to new terms, which shall commence on the expiration of the
3 previous terms. All of the new terms shall end on January 31, 2021. All members shall serve at the
4 pleasure of the Board of Supervisors and may be removed by the Board of Supervisors at any time.;
5 ~~provided, however, that members first appointed shall, by lot prior to February 1, 2012, classify their~~
6 ~~terms so that five shall serve for a term of two years and six shall serve for a term of four years. At the~~
7 ~~initial meeting of the Citizen's Advisory Committee and yearly thereafter~~

8 (g) Once each year, the Citizen's Advisory Committee members shall select such
9 officer or officers as deemed necessary by the Citizen's Advisory Committee. The Citizen's
10 Advisory Committee shall promulgate such rules and regulations as are necessary for the
11 conduct of its business under this Section 906.3-1. In the event a vacancy occurs, a successor
12 shall be appointed to fill the vacancy consistent with the process and requirements to appoint
13 the previous appointee. When a vacancy occurs for a reason other than the expiration of a
14 term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his
15 or her predecessor. Any appointee member who misses four meetings within a twelve-month
16 period, without the approval of the Citizen's Advisory Committee at or before each missed
17 meeting, shall be deemed to have resigned from the Citizen's Advisory Committee ten days after
18 the fourth unapproved absence. The City Administrator shall inform the Clerk of the Board of any such
19 resignation.

20 (ih) The Citizen's Advisory Committee shall comply with all applicable public records
21 and meetings laws and shall be subject to all applicable conflict-of-interest provisions in State and
22 local law. ~~the Conflict of Interest provisions of the City's Charter and Administrative Code.~~
23 ~~Specifically, during the twelve months prior to and during a member's tenure on the Citizen's Advisory~~
24 ~~Committee, no member of the Citizen's Advisory Committee may receive any gift, income or have any~~
25 ~~investment in any entity that foreseeably may be subject to or be the beneficiary of any Community~~

1 ~~Benefit Agreement reviewed by the Citizen's Advisory Committee. For purposes of this Section,~~
2 ~~"income," "gift" and "investment" shall have the same meanings as defined in the Political Reform Act~~
3 ~~of 1974 under California Government Code Section 81000 et seq. The initial meeting of the Citizen's~~
4 ~~Advisory Committee shall be called within 30 days from the day the Board of Supervisors confirms its~~
5 ~~initial appointments. The City Administrator shall provide administrative support to the Citizen's~~
6 ~~Advisory Committee.~~

7 (i) Duties of the City Administrator.

8 (1) The City Administrator shall provide administrative support for the Citizen's
9 Advisory Committee, and shall arrange for the Citizen's Advisory Committee to meet no less than four
10 times each calendar year.

11 (2) At least 15 days before entering into negotiations regarding the terms of a
12 Community Benefit Agreement, the City Administrator shall inform the members of the
13 Citizen's Advisory Committee in writing about the initiation of negotiations. After receiving the
14 written notice, the Citizen's Advisory Committee may submit written recommendations to the
15 City Administrator regarding the possible terms of the Community Benefit Agreement.

16 (3) Within five days of reaching tentative agreement regarding the terms of a
17 Community Benefit Agreement, the City Administrator shall transmit copies of the proposed agreement
18 to the Citizen's Advisory Committee, and shall coordinate with the members of the Citizen's Advisory
19 Committee to convene a meeting to review the agreement. At any such meeting, the Citizen's
20 Advisory Committee may recommend that the City Administrator execute the Community
21 Benefit Agreement, recommend that the City Administrator not execute the Community
22 Benefit Agreement, or make no recommendation. If the Citizen's Advisory Committee does
23 not recommend that the City Administrator execute the Community Benefit Agreement, the
24 Committee shall state the reasons therefor. The City Administrator shall not execute any
25 Community Benefit Agreement until after the Citizen's Advisory Committee has held at least one

1 meeting to review and provide recommendations regarding the agreement; provided that the City
2 Administrator may execute the agreement if the Citizen's Advisory Committee fails to meet within 45
3 days after the transmission of the proposed agreement to the Citizen's Advisory Committee. Within five
4 days after executing the agreement, the City Administrator shall transmit the agreement to the Citizen's
5 Advisory Committee with a report describing the City Administrator's response to each of the Citizen's
6 Advisory Committee's recommendations, if any.

7 (34) If the Citizen's Advisory Committee fails to provide a biannual report to the Board
8 of Supervisors in March or October as required in subsection 906.3-1(c)(3), the City Administrator
9 shall prepare and submit a report to the Board of Supervisors providing the same information by April
10 15 or November 15, respectively.

11 (j) ~~The provisions of this ordinance and the operation of the Citizen's Advisory Committee~~
12 ~~shall expire upon expiration of the Central Market Street and Tenderloin Area Payroll Expense Tax~~
13 ~~Exclusion under Section 906.3 of this Article. Unless the Board of Supervisors by ordinance extends the~~
14 ~~term of the Citizen's Advisory Committee, this Section 906.3-1 shall expire by operation of law, and the~~
15 ~~Citizen's Advisory Committee shall terminate, on January 31, 2021. In that event, after that date, the~~
16 ~~City Attorney shall cause this Section 906.3-1 to be removed from the Business and Tax Regulations~~
17 ~~Code.~~


18
19 Section 2. Effective Date. This ordinance shall become effective 30 days after
20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
22 of Supervisors overrides the Mayor's veto of the ordinance.

23
24 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the "Note" that appears under
4 the official title of the ordinance.

5
6
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By:


10 JON GIVNER
11 Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 170741

Date Passed: September 26, 2017

Ordinance amending the Business and Tax Regulations Code to reduce the size of the Central Market Street and Tenderloin Area Citizen's Advisory Committee from eleven seats to five, set a sunset date for the Committee, prohibit the City Administrator from executing a Community Benefit Agreement subject to the Committee's review until the Committee has had an opportunity to review the proposed agreement and make recommendations; and make other administrative changes.

July 26, 2017 Rules Committee - CONTINUED TO CALL OF THE CHAIR

September 13, 2017 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 13, 2017 Rules Committee - RECOMMENDED AS AMENDED

September 19, 2017 Board of Supervisors - PASSED ON FIRST READING

Ayes: 8 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Sheehy and Yee

Excused: 3 - Farrell, Safai and Tang

September 26, 2017 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170741

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/26/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

10/5/2017
Date Approved